

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

NILZA I. WARK,	:	
Plaintiff	:	CIVIL ACTION NO. 3:13-2502
v.	:	(MANNION, D.J.)
CAROLYN W. COLVIN,	:	
Acting Commissioner of Social Security,	:	
Defendant	:	

MEMORANDUM

Pending before the court is the report of Magistrate Judge Gerald B. Cohn, which recommends that the decision of the Commissioner of Social Security denying the plaintiff's social security disability insurance be vacated and the action be remanded to the Commission to further develop the record, conduct a new administrative hearing and appropriately evaluate the evidence of record. (Doc. [20](#)). Both the plaintiff and defendant have waived their opportunity to object to Judge Cohn's report and recommendation. (Doc. [21](#), Doc. [22](#)).

Where no objection is made to a report and recommendation, the court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."

[Fed.R.Civ.P. 72\(b\)](#), advisory committee notes; see also [Univac Dental Co. v. Dentsply Intern., Inc.](#), 702 F.Supp.2d 465, 469 (2010) (citing [Henderson v. Carlson](#), 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every Report and Recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept or modify, in whole or in part, the findings or recommendations made by the magistrate judge. [28 U.S.C. §636\(b\)\(1\)](#); Local Rule 72.31.

The court has reviewed each of the recommended bases presented by Judge Cohn for vacating and remanding the instant action. Because the court agrees with the sound reasoning that led Judge Cohn to the conclusions in his report and finds no clear error on the face of the record, the court will adopt the report in its entirety. An appropriate order shall issue.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Date: April 7, 2015

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